

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Theodoridis *et al.*

Appl. No.: 10/510,331

371(c) Date: October 5, 2004

For: **Pesticidal (Dihalopropenyl)
Phenylalkyl Substituted
Benzoxazole and Benzothiazole
Derivatives**

Confirmation No.: 6316

Art Unit: 1626

Examiner: Nolan, Jason M.

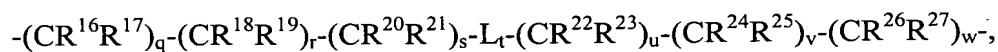
Atty. Docket: 2400.0810003/JMC/VLC

Reply to Restriction Requirement

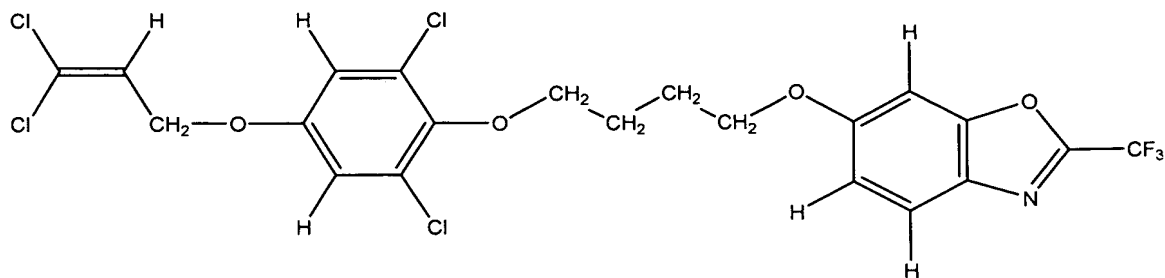
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated April 24, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicant hereby provisionally elects to prosecute the invention of Group I, represented by claims 1-13, where M = oxygen and t = 0, compositions and methods for using said compounds. A compound within Group I is the compound of Example 1, compound 6 in Table 1 on page 31 of the specification, wherein with respect to the general structure recited in claim 1, B is a bridging group of the formula



where R^1 , R^2 , R^4 , R^7 , R^8 , R^9 and R^{10} are hydrogen; R , R^3 , R^5 and R^6 are chloro; R^{11} is CF_3 ; q, r, s, and u are 1; t, v and w are zero; A, D, E and M are oxygen; G is $(\text{CH}_2)_n$ where n is 1, and the point of attachment to the benzo-fused ring is at the 6-position, such that the compound has the following structure:



This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse.

This application is a National Phase Entry Under 35 U.S.C. § 371, and as such, PCT Rule 13 requiring unity of invention applies. U.S. Patent and Trademark Office regulations provide guidance to Examiners in regard to unity of invention:

(a) An international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (“requirement of unity of invention”). Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression “special technical features” shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

37 C.F.R. § 1.475 (a). See also M.P.E.P. § 1893.03(d) (8th Ed., rev. May 2004).

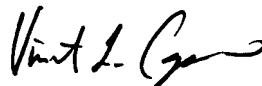
Groups I-IV identified by the Examiner share a special technical feature, each of the groups are directed to (dihalopropenyl)phenylalkyl benzo-fused azoles, compositions comprising the same and methods of using the same. Applicants assert that all groups share unity of invention.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Vincent L. Capuano
Attorney for Applicants
Registration No. 42,385

Date: 10/20/06

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600